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 Attorney for Plaintiffs

THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF NEW YORK

NADIM KHOURI KLINK, an individual,  
 and PC DESIGN SARL, a foreign business  
 entity,

Plaintiffs,

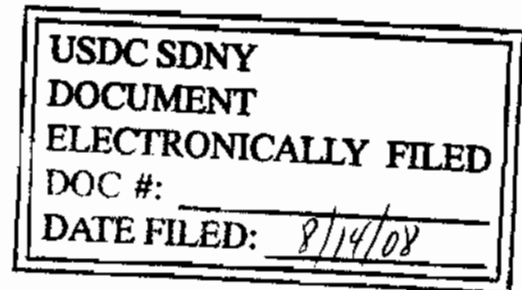
**M&H PERFUMES, INC.**, A New York  
 corporation, d/b/a M & H PERFUMES d/b/a  
**SHALIMAR PERFUMES, INC.; N. TILANI**  
**FRAGRANCES, INC.**, a New York Corporation,  
 d/b/a N. TILANI FRAGRANCE; **AKB**  
**PERFUME, INC.**, a New York corporation, d/b/a  
 AKB PERFUME d/b/a TOP QUALITY  
 PRODUCTS; **TOP QUALITY PRODUCTS,**  
**INC.**, a New York corporation, d/b/a TOP  
 QUALITY PRODUCTS d/b/a AKB PERFUME;  
**METRO PERFUME, INC.**, a New York  
 Corporation, d/b/a METRO PERFUME; **ORKAY**  
**ENTERPRISES, INC.**, a New York corporation,  
 d/b/a ORKAY ENTERPRISES; **G.N. PERFUMES,**  
**INC.**, a New York corporation d/b/a G.N.  
 PERFUMES; **TK PERFUMES, INC.**, a New York  
 corporation, d/b/a TK PERFUMES; **UNITED**  
**PERFUME, INC.**, a business of unknown status;  
**R.J. PERFUME & GARMENTS, INC.**, a New  
 York corporation and DOES 1-5 and 8-10,

Defendants.

CASE NO. 08-cv-4243 (TPG)

**STIPULATED CONSENT FINAL  
 JUDGMENT AND PERMANENT  
 INJUNCTION**

~~(Filed Under Seal)~~



WHEREAS, this action having been commenced by the Plaintiffs, Nadim Khouri Klink  
 and PC Design SARL (collectively the "PC Design Plaintiffs") against R.J. Perfume &

Garments, Inc., a New York corporation (“RJ Perfume”), alleging *inter alia*, statutory trademark counterfeiting and trademark infringement, false designation of origin and common law trademark infringement, and the PC Design Plaintiffs and RJ Perfume having resolved the PC Design Plaintiffs’ claims to each of their satisfaction, and without an admission of liability by RJ Perfume;

IT IS STIPULATED, ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction of the subject matter of all Counts of the First Amended Complaint in this action and over the named parties hereto.

2. Klink is the owner of all rights in and to, the following trademark (the “Cuba Mark”):

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
CUBA (Design)	2,248,555	June 1, 1999

3. RJ Perfume and its respective officers, agents, servants, employees and all persons in active concert and participation with them are hereby permanently restrained and enjoined from:

- A. manufacturing or causing to be manufactured, importing, advertising, or promoting, purchasing, distributing, selling or offering to sell non-genuine goods bearing the Cuba Mark or any substantially similar trademark;
- B. using the Cuba Mark or any substantially similar trademark in connection with the sale of any non-genuine goods;
- C. using any logo, and/or layout which may be calculated to falsely advertise non-genuine products as being sponsored by, authorized by, endorsed by, or in any way associated with the PC Design Plaintiffs;

- D. falsely representing itself as being connected with the PC Design Plaintiffs, through sponsorship or association;
- E. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any non-genuine goods are in any way endorsed by, approved by, and/or associated with the PC Design Plaintiffs;
- F. using any reproduction, counterfeit, copy, or colorable imitation of the Cuba Mark, or any substantially similar trademark, in connection with the publicity, promotion, sale, or advertising of any non-genuine goods, including, without limitation, fragrance products;
- G. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent non-genuine goods as being genuine goods of the PC Design Plaintiffs, or in any way endorsed by the PC Design Plaintiffs;
- H. offering non-genuine goods bearing the Cuba Mark, or any substantially similar trademark, in commerce; and from otherwise unfairly competing with the PC Design Plaintiffs.
- I. secreting, destroying, altering, removing, or otherwise concealing any books or records which contain any information relating to RJ Perfume's importation, manufacture, production, distribution, circulation, sale, marketing, offering for sale, advertisement, promotion, or display of any non-genuine products bearing or sold under the Cuba Mark, or any substantially similar trademark; and
- J. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (A) through (I).

4. Any party shall have the right to seek sanctions for contempt, compensatory damages, injunctive relief, reasonable attorneys' fees, costs, and other relief deemed proper by the Court in the event of a party's violation or failure to comply with any of the provisions hereof. The prevailing party in any such proceeding shall be entitled to recover its reasonable attorneys' fees and costs.

5. All non-genuine goods surrendered to the PC Design Plaintiffs by RJ Perfume on May 13, 2008, or which are currently in the possession, custody or control of RJ Perfume shall be destroyed under the direction of the PC Design Plaintiffs at the conclusion of this case.

6. This Court shall retain continuing jurisdiction over this cause to enforce the terms of this Stipulated Consent Final Judgment and Permanent Injunction and the Settlement

7. The \$10,000.00 bond posted by the Plaintiffs in compliance with the Order To Show Cause shall be released.


8. The seizure effectuated on May 13, 2008 pursuant to this Court's Order is hereby confirmed. The seal in this matter is hereby released.

SO STIPULATED:

Dated: June 17, 2008.

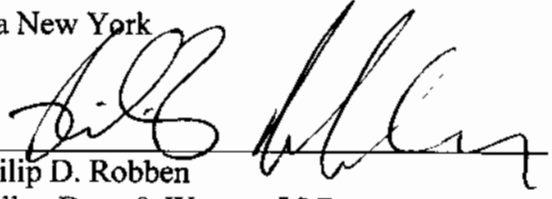
Respectfully submitted,

**Plaintiffs:** Nadim Khouri Klink and  
PC Designs SARL

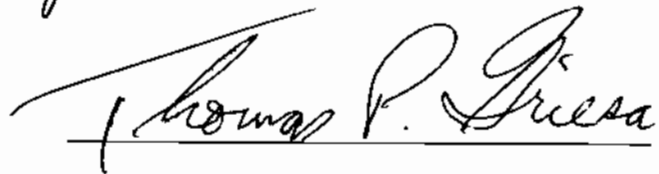
  
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E-mail: jmacaluso@gibney.com  
Attorneys for Plaintiffs

**Defendant:** R.J. Perfume & Garments, Inc., a New York  
corporation,

  
Philip D. Robben  
Kelley Drye & Warren, LLP  
101 Park Avenue  
New York, New York 10178

SO ORDERED this 13th day of August, 2008.



United States District Judge

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:**

( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

-V-

## NOTICE OF APPEAL

civ. ( )

Notice is hereby given that

(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**FORM 1**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ. ( )

Pursuant to Fed. R. App. P. 4(a)(5), \_\_\_\_\_ respectfully  
(party)  
requests leave to file the within notice of appeal out of time. \_\_\_\_\_  
(party)  
desires to appeal the judgment in this action entered on \_\_\_\_\_ but failed to file a  
(day)  
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006



**FORM 2**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL  
AND  
MOTION FOR EXTENSION OF TIME**

civ. ( )

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_ respectfully requests the court to grant an extension of time in  
(party)  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

**FORM 3**

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

-----X  
-V-  
-----X

**AFFIRMATION OF SERVICE**

civ. ( )

I, \_\_\_\_\_, declare under penalty of perjury that I have  
served a copy of the attached \_\_\_\_\_

upon \_\_\_\_\_

whose address is: \_\_\_\_\_

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006